

2. The Prison Litigation Reform Act (the “PLRA”) provides: “Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1983 of this title or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply

has been filed.” 42 U.S.C. § 1997e(g)(1). Further, the PLRA provides that “[t]he court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.” 42 U.S.C. § 1997e(g)(2).

3. Defense counsel does not presently have access to plaintiff’s prison or medical records and is, therefore, unable to investigate the claims made in the complaint and meaningfully respond thereto. Accordingly, leave is sought to waive the filing of an answer to plaintiff’s complaint pursuant to 42 U.S.C. § 1997e(g)(1).

WHEREFORE, Defendant, PARTHASARATHI GHOSH, M.D., respectfully requests this Court to enter an order excusing the filing of a responsive pleading to plaintiff’s complaint.

Respectfully submitted,

CUNNINGHAM, MEYER & VEDRINE, P.C.

/s/ Joel M. Koppenhoefer

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